

County approves move to buy land at auction

Supervisors say situation is unique enough, with possibility of beneficial land swap, to justify purchase

By Jon Klusmire
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After railing against the idea that they supported any government agency even making a hint that it might want to buy private land, or force landowners into land swaps, the Inyo County Board of Supervisors found an exception to that rule and decided the county should go ahead and bid on and buy 152 acres of private land.

The parcel is being sold at public auction because of non-payment of taxes, and is completely surrounded by federal land in Death Valley. The supervisors agreed that it would be a wise move for the county to try and buy the land and then work to complete a land swap with the federal government to secure land better suited for development somewhere within the county's borders.

But the supervisors stressed, in great detail, that although the county should buy that one particular parcel, the county's overall, general policy is that government shouldn't be buying private land or otherwise tinkering with private property rights.

The discussion about potential land swaps with government agencies and the decision to get into the land swap business pointed out the complexities and controversy surrounding public and private land issues in the county.

The first move the supervisors made was to approve a resolution that would help the Bureau of Land Management create a single map that showed all the public land in the county. Those public lands include acreage owned by the U.S. Forest Service, the BLM, various state agencies and departments (such as parks) and the Los Angeles Department of Water and Power. The map would designate which public lands, especially those close to communities, might be good prospects for a land swap with private land owners who own parcels that are isolated and have little development potential.

However, before giving its blessing to the mapping

maneuver, the Board of Supervisors stripped out large chunks of the resolution that conferred their official blessing of the move.

First District Supervisor Linda Arcularius led the charge against putting any sort of wording in the resolution that could be interpreted by private landowners as a county endorsement of any sort of restriction on the use of their land or any move by the federal government to put pressure on private landowners to swap their land.

Fifth District Supervisor Richard Cervantes wasn't far behind in balking at having the county endorse any resolution that would limit property rights. He also warned that the federal government has a track record of "pressuring" private landowners to sell or swap lands the feds want.

The offending language in the resolution, according to the supervisors, included several references to using land swaps to secure developable land closer to existing communities.

Cervantes said he wasn't completely sold on the idea that development must take place near current towns and communities. He noted that there could be opportunities to develop dude ranches or high-end mountain resorts dozens of miles from current towns. Planning Director Leslie Klusmire noted the General Plan currently anticipates such developments, and encourages them.

But Arcularius questioned whether the resolution "is in conflict with the General Plan." A major policy in the General Plan is for the county to try and ensure its policies result in "no net loss of private land," she noted. But if the county endorsed land swaps involving large, remote, undevelopable tracts of private land for smaller parcels of land near communities, the result would be less land in private hands.

Bishop BLM Office Director Bill Dunkelberger, who is spearheading the mapping effort, during a previous workshop on land swaps and the map proposal, confirmed that type of scenario could occur. Simple economics would dictate such a deal. A large parcel of land that cannot be developed would not be worth as much as a parcel close to infrastructure and a community, he said. Thus, it was possible that the county could see a drop in the total acreage in private hands in return

for more acreage in private hands that could actually support development.

Cervantes and Arcularius both stressed the county didn't want to make any move that could be seen as putting "pressure" on private landowners to make land swaps.

"The end product, the map itself, is a good idea," said Third District Supervisor Ted Williams. He and Second District Supervisor Susan Cash suggested that any sort of "goal" for using the lands identified on the map be stripped out of the resolution.

The board agreed and approved a resolution that will allow the map of public lands to be completed to provide information to public agencies and private landowners considering land swaps.

That rock-solid philosophical support of the sanctity of private property and disdain for government buying private land in Inyo County crumbled into a mushy pile of sand, however, when the change appeared for Inyo County to buy a parcel of private land.

Deputy County Administrator Kevin Carunchio presented the board a land deal it couldn't pass up.

A 152-acre parcel of private land is slated to be auctioned off because the owner had defaulted on tax payments. The land is located north of Death Valley National Park on the border of Nevada, and the minimum bid for the parcel is \$2,000.

The land, a long-defunct copper mine, is completely surrounded by federal land and might be coveted by Death Valley National Park, noted Carunchio. So, "if the county acquires the property, it could use the parcel to facilitate a land trade with federal agencies for property located closer to local communities," he wrote in a staff report. (Yes, that's the same "offending language" struck from the map-related resolution).

The supervisors then completed some policy and rhetorical gymnastics to justify the county buying the land.

The most practical reason for acquiring the parcel was that if the county owned it, the county would be in a position to craft a land swap to its liking. Carunchio noted occurrences when private parties bought such parcels and traded them for land in other states.

Having the county be able to direct and land swap involving the land would be a positive, said Cash,

although the move was counter to the previous board opinion that “government should stay out of land owning.”

Arcularius went into a long justification for the move, one that stressed her belief that any government “shouldn’t own more land than it can use,” and noted Inyo County was preparing a land inventory to see which of its holdings it could sell off and get in the hands of private landowners. The issue of “no net loss of private land” was still the county’s policy, she said, and although the initial purchase would counter that policy, a land swap could put the land back in private hands.

“I’m willing to go along because this is a pretty unique idea,” she concluded.

The county, under state law, can “object” to the tax auction and purchase the property for back taxes. And that’s what the county is going to do, and once it owns the land it will begin the process of trying to swap its newest piece of land for federal or other public land in Inyo County that the county can eventually put on the auction block and sell to a private investor.

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